

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 40

BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE

AN ACT

RELATING TO THE BURNING OF CROP RESIDUE; AMENDING SECTION 39-114, IDAHO
CODE, TO PROVIDE AN EXCEPTION TO THE IMPOSITION OF A SPECIFIED FEE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-114, Idaho Code, be, and the same is hereby
amended to read as follows:

39-114. OPEN BURNING OF CROP RESIDUE. (1) The open burning of crop
residue to develop physiological conditions conducive to increase crop
yields, or to control diseases, insects, pests or weed infestations shall
be an allowable form of open burning, such that it is expressly authorized
as referenced in section 52-108, Idaho Code, so long as the open burning is
conducted in accordance with the provisions of this section and the rules
promulgated pursuant to this chapter.

(2) Crop residue means any vegetative material remaining in the field
after harvest or vegetative material produced on designated conservation
reserve program (CRP) lands.

(3) The open burning of crop residue shall be conducted in the field
where it was generated. A burn may not take place without preapproval from
the department. The department shall not approve a burn if it determines
that ambient air quality levels:

(a) Are exceeding, or are expected to exceed, seventy-five percent
(75%) of the level of any national ambient air quality standard on any
day, and these levels are projected to continue or recur over at least
the next twenty-four (24) hours; or

(b) Have reached, or are forecasted to reach and persist at, eighty per-
cent (80%) of the one (1) hour action criteria for particulate matter
pursuant to section 556 of IDAPA 58.01.01, rules for the control of air
pollution in Idaho.

The department shall make available to the public, prior to the burn, infor-
mation regarding the date of the burn, location, acreage and crop type to be
burned. If the agricultural community desires to burn more than twenty thou-
sand (20,000) acres annually of bluegrass within the state, that does not in-
clude Indian or tribal lands within the reservation boundaries as recognized
by the federal clean air act, then, prior to approving the burning of the ad-
ditional acres, the department shall complete an air quality review analysis
to determine that the ambient air quality levels in this section will be met.

(4) A fee in an amount of two dollars (\$2.00) per acre to be burned shall
be paid to the department prior to burning. This fee shall not apply to
propane flaming, as defined in the rules promulgated pursuant to this chap-
ter. The department shall remit all fees quarterly to the state treasurer,
who shall deposit the moneys in the general fund.